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treatments if the target pests of the other approved treatments are approved for treatment with irradiation in the PPQ Treatment Manual or approved for treatment with irradiation in accordance with §305.2.

(Approved by the Office of Management and Budget under control numbers 0579-0155, 0579-0215, and 0579-0198)

[75 FR 4241, Jan. 26, 2010, as amended at 75 FR 34336, June 17, 2010; 76 FR 60361, Sept. 29, 2011]

## **PART 318—STATE OF HAWAII AND TERRITORIES QUARANTINE NOTICES**

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- 318.60 Notice of quarantine.

AUTHORITY: 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

SOURCE: 24 FR 10777, Dec. 29, 1959, unless otherwise noted.

### **Subpart—Regulated Articles From Hawaii and the Territories**

SOURCE: 74 FR 2775, Jan 16, 2009, unless otherwise noted.

#### **§ 318.13-1 Notice of quarantine.**

(a) Under the authority of section 412 of the Plant Protection Act, the Secretary of Agriculture may prohibit or restrict the movement in interstate commerce of any plant or plant product if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into the United States or the dissemination within the United States of a plant pest or noxious weed.

(b) The Secretary has determined that it is necessary to prohibit the interstate movement of cut flowers and fruits and vegetables and plants and portions of plants from Hawaii, Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands except as provided in this subpart or as provided in “Subpart—Territorial Cotton, Cottonseed, and Cottonseed Products and “Subpart—Sand, Soil, or Earth, with Plants

from Territories and Districts” in this part.

[74 FR 2775, Jan 16, 2009, as amended at 74 FR 15641, Apr. 7, 2009]

#### § 318.13-2 Definitions.

*Administrator.* The Administrator of the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture, or any other employee of APHIS to whom authority has been delegated to act in the Administrator's stead.

*Animal and Plant Health Inspection Service.* The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture.

*Approved growing media.* Agar or other translucent tissue culture media, buckwheat hulls, clean ocean sand, excelsior, exfoliated vermiculite, ground cork, ground peat, ground rubber, paper, polymer stabilized cellulose, quarry gravel, sawdust, wood shavings, cork shavings, sphagnum moss, tree fern slab (approved only for orchids), and vegetable fiber (free of pulp) including coconut and osmunda, but excluding cotton and sugarcane.

*Certification (certified).* A type of authorization, issued by an inspector, evidencing freedom from infestation, to allow the movement of certain regulated articles in accordance with the regulations in this subpart. “Certified” shall be construed accordingly.

*Commercial consignment.* A lot of fruits or vegetables that an inspector identifies as having been produced for sale or distribution in mass markets. Such identification will be based on a variety of indicators, including, but not limited to: Quantity of produce, type of packaging, identification of grower and packinghouse on the packaging, and documents consigning the fruits or vegetables to a wholesaler or retailer.

*Compliance agreement.* Any agreement to comply with stipulated conditions as prescribed under § 318.13-3 or § 318.13-4 or § 305.34 of this chapter, executed by any person to facilitate the interstate movement of regulated articles under this subpart.

*Consignment.* A quantity of plants, plant products, and/or other articles, including fruits or vegetables, being moved from one country to another

and covered, when required, by a single certificate or limited permit (a consignment may be composed of one or more commodities or lots).

*Continental United States.* The 48 contiguous States, Alaska, and the District of Columbia.

*Cut flower.* Any cut blooms, fresh foliage, and dried decorative plant material customarily used in the florist trade and not for planting; and being the severed portion of a plant, including the inflorescence, and any parts of the plant attached thereto, in a fresh state.

*Disinfection (disinfect and disinfected).* The application to parts or all of a ship, vessel, other surface craft, or aircraft of a treatment that may be designated by the inspector as effective against such plant pests as may be present. (“Disinfect” and “disinfected” shall be construed accordingly.)

*Fruits and vegetables.* A commodity class for fresh parts of plants intended for consumption or processing and not planting.

*Inspector.* A State agricultural inspector or any individual authorized by the Administrator of APHIS or the Commissioner of Customs and Border Protection, Department of Homeland Security, to enforce the regulations in this subpart.

*Interstate.* From one State into or through any other State; or within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

*Limited permit.* A document issued by an inspector or a person operating under a compliance agreement for the interstate movement of regulated articles to a specified destination for:

(1) Consumption, limited utilization or processing, or treatment; or

(2) Movement into or through the continental United States in conformity with a transit permit.

*Lot.* A number of units of a single commodity, identifiable by its homogeneity of composition and origin, forming all or part of a consignment.

*Means of conveyance.* A ship, truck, aircraft, or railcar.

*Moved (move and movement).* Shipped, offered for shipment to a common carrier, received for transportation or